

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMES ROBERT DRURY,

Case No. 2:15-CV-2048 JCM (CWH)

Plaintiff(s),

ORDER

V.

BARCELONA HOLDINGS, LLC, et al.,

Defendant(s).

Presently before the court are the report and recommendation of Magistrate Judge Hoffman. (ECF No. #3). No objections were filed, and the deadline for filing objections has passed.

Magistrate Judge Hoffman recommended that plaintiff be allowed to proceed with his claims for conversion, fraud, and those arising under NRS 41.600, NRS 118A.510, NRS 651.030, Clark County Code 4.08.050, NRS 118A.220(c), and Clark County Code 4.08.055. It is further recommended that plaintiff be given thirty (30) days to file an amended complaint.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s findings and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United*

1 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
2 employed by the district court when reviewing a report and recommendation to which no
3 objections were made); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003)
4 (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that district courts are
5 not required to review “any issue that is not the subject of an objection.”). Thus, if there is no
6 objection to a magistrate judge’s recommendation, then this court may accept the recommendation
7 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
8 magistrate judge’s recommendation to which no objection was filed).

9 Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine
10 whether to adopt the recommendation of the magistrate judge. Upon reviewing the
11 recommendation and underlying briefs, this court finds good cause to ADOPT the magistrate
12 judge's findings in full.

13 || Accordingly,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the report and recommendation of Magistrate Judge Hoffman, (ECF No. #3), are ADOPTED in their entirety.

16 DATED May 11, 2016.

Jess C. Mahan
UNITED STATES DISTRICT JUDGE